

THE COUNTY BULLETIN

And Uniform Compliance Guidelines

ISSUED BY STATE BOARD OF ACCOUNTS

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SPECIAL EDITION

NEW LAWS AFFECTING VARIOUS COUNTY OFFICES

The following is a digest of some of the laws passed by the 2001 First Regular Session of the General Assembly affecting various offices in county government. Some of the laws do not pertain directly to a particular county office, but are included in this digest for ready reference to the covered subject matter.

The digest is not intended as an expression of legal interpretations, nor is the digest intended to be all inclusive. Reference in the digest will be to the Indiana Code in the following form (Amends IC 33-17-10-5) which means (Amends Indiana Code, Title 33, Article 17, Chapter 10, Section 5). Please note the effective date of each law.

PUBLIC LAW 1 - SENATE ENROLLED ACT 174 - EFFECTIVE Upon Passage - Technical Corrections

Amends IC 35-33-8-3.2. Repeals the five dollar (\$5) special death benefit fee. Beginning with bail paid after May 7, 2001.

PUBLIC LAW 2 - HOUSE ENROLLED ACT 1229 - EFFECTIVE Upon Passage - Delivery of Enrolled Acts

Amends IC 26-1.5-5. Allows the legislative services agency to distribute the enrolled acts to the clerks of the circuit court by distributing electronic copies. Electronic copy is defined as a computer disk, CD-ROM disk, or another readable format. Allows the circuit court clerk to inform the legislative services agency whether they prefer a hard paper copy or an electronic copy and requires the legislative services agency to deliver the enrolled acts in the form preferred by the clerk.

PUBLIC LAW 4 - HOUSE ENROLLED ACT 1247 - EFFECTIVE July 1, 2001 - Community Corrections Grant

Amends IC 11-12-2-8. Eliminates the provision that funding under this chapter can be used to replace their spending for correctional purposes.

PUBLIC LAW 10 - HOUSE ENROLLED ACT 1560 - EFFECTIVE July 1, 2001 - Hancock County Land Transfer

Adds new section IC 36-1-11-5.6. Allows Hancock County to sell property for no compensation or a nominal fee to a nonprofit corporation created for agricultural, educational, or recreational purposes.

PUBLIC LAW 11 - HOUSE ENROLLED ACT 1608 - EFFECTIVE Upon Passage - Vigo County Innkeepers' Tax

Amends and adds new section to IC 6-9-11. Allows the Vigo County convention and visitor commission to issue bonds and enter into leases for the construction, acquisition, enlargement, and equipping of a sports and recreational facility.

PUBLIC LAW 12 - HOUSE ENROLLED ACT 1611 - EFFECTIVE July 1, 2001 - Town Boards of Police Commissioners

Adds new section IC 36-8-9-3.1. Creates a town board of police commissioners in towns who adopt an ordinance. Each board member shall take and subscribe an oath or affirmation of office before the circuit court clerk and also shall take and subscribe an oath or affirmation before the circuit court clerk that they will not appoint or remove a member of the police department because of political affiliation or for another cause or reason other than that of the fitness of the person. The circuit court clerk shall file oaths and affirmations among the circuit court clerk's records.

PUBLIC LAW 16 - HOUSE ENROLLED ACT 2117 - EFFECTIVE July 1, 2001 - Recording of a Mortgage

Adds new section IC 36-2-11-26. Prohibits a person from presenting for recording by the county recorder a mortgage instrument executed after June 30, 2002 that discloses a Social Security Number.

PUBLIC LAW 17 - HOUSE ENROLLED ACT 1892 - EFFECTIVE July 1, 2001 - Destruction of Seized Substances

Amends IC 35-33-5-5. Allows a law enforcement agency to destroy or caused to be destroyed chemicals or controlled substances associated with the illegal manufacture of drugs without court order if (1) they collect and preserve a sufficient quantity of the chemicals or controlled substances to demonstrate they were associated with the illegal manufacture of drugs, (2) they take photographs of the manufacturing site that accurately depicts the chemicals or controlled substances, and (3) they complete an inventory report listing the type and quantities of the chemicals or illegal substances.

PUBLIC LAW 41 - SENATE ENROLLED ACT 441 - EFFECTIVE July 1, 2001 - Cumulative Capital Improvement Fund

Amends IC 36-9-16-3. Allows the county to use the Cumulative Capital Improvement Fund to purchase, lease, upgrade, maintain, or repair computer hardware, computer software, wiring and computer networks, and communication access systems used to connect with computer networks or electronic gateways. Additional uses include paying for the services of full-time or part-time computer maintenance employees and to conduct nonrecurring inservice technology training of unit employees.

PUBLIC LAW 45 - SENATE ENROLLED ACT 32 - EFFECTIVE July 1, 2001 - Probation Officers

Adds new section IC 11-13-1-3.5. Allows a probation officer to carry a handgun while acting in the scope of their employment if all of the following are met: (1) Court enters an order authorizing the carrying of a handgun while on duty, (2) Probation officer is issued a license to carry handgun, and (3) Probation officer successfully completes a handgun safety course certified by the Law Enforcement Training Board.

PUBLIC LAW 58 - SENATE ENROLLED ACT 301 - EFFECTIVE July 1, 2001 - Elections

Amends IC 3-13-1-16.5 and IC 3-13-2-11 regarding the deadlines for county election boards to rule on the validity of certificates of candidate selection.

PUBLIC LAW 65 - SENATE ENROLLED ACT 362 - EFFECTIVE July 1, 2001 - County Auditor Endorsement Fee

Amends IC 36-2-9-18. Increases the maximum fee that may be charged by the county auditor for real property endorsements from three dollars (\$3) to five dollars (\$5).

PUBLIC LAW 73 - SENATE ENROLLED ACT 543 - EFFECTIVE Upon Passage - County Surplus Property

Amends IC 6-1.1-25-9 to state that when the county acquires title to real property under IC 6-1.1-24 the county may dispose of the real property under IC 36-1-11. The proceeds of any sale shall be applied as follows:

1. To the cost of the sale or offering for sale the property;
2. to any unrecovered costs of the sale or offering for sale of other real property in the same taxing district acquired by the county in the tax sale;
3. to the payment of taxes on the real property that were removed from the tax duplicate; and
4. any surplus remaining into the county general fund.

PUBLIC LAW 87 - HOUSE ENROLLED ACT 1484 - EFFECTIVE July 1, 2001 - County Recorders

Amends IC 36-2-11-8 to require the County Recorder to establish and post in their office a written procedure for the public to obtain access to the original instrument in order to protect the instrument. Providing an exact copy of an original instrument is sufficient to comply with the inspection of public records if the original document has not been archived.

The recorder may record a document or a copy if the document complies with other statutory recording requirements and will produce a clear and unobstructed copy.

PUBLIC LAW 89 - HOUSE ENROLLED ACT 1503 - EFFECTIVE July 1, 2001 - Sales Disclosure Forms

Amends IC 6-1.1-5.5-3 to require the County Assessor to retain the sales disclosure forms for 5 years. The data from the forms is to be forwarded to the State Board of Tax Commissioners. Additionally, the County Assessor shall forward a copy of each form to the Township Assessor.

Preapproval of Claims -

Adds IC 36-2-6-4.5 to provide that the County Commissioners may adopt an ordinance allowing money to be disbursed for certain lawful county purposes in advance of Board allowance. Each payment must be supported by an itemized invoice or bill and be certified by the County Auditor. The County Commissioners shall review and allow the claim at the next regular or special meeting following preapproved payment. Payment must be published in ordinance with IC 36-2-6-3.

PUBLIC LAW 101 - SENATE ENROLLED ACT 170 - EFFECTIVE July 1, 2001 - Hazardous Waste Disposal Tax

Amends IC 6-6-6.6-3. Adds two additional purposes the county may spend these funds for. These additional purposes include the paying of costs associated with the construction of a facility used for training and paying the costs associated with any other project that has identifiable environmental benefits.

PUBLIC LAW 113 - SENATE ENROLLED ACT 506 - EFFECTIVE July 1, 2001 - Alcohol and Drug Fees

Amends IC 9-30-9-8 and IC 12-23-14-16 to state that the alcohol abuse deterrent program fee may not exceed \$400. The medical fee ordered for this program may not exceed \$150. The fee for participation in the alcohol and drug services program may not exceed \$400.

PUBLIC LAW 116 - HOUSE ENROLLED ACT 1007 - EFFECTIVE July 1, 2001 - Highway Worksite Zone Fee

Amends IC 33-19-6-14. Renames the highway work zone fee to highway worksite zone fee. All fees remain the same.

PUBLIC LAW 125 - HOUSE ENROLLED ACT 1504 - EFFECTIVE July 1, 2001 - Additional Appropriations

Adds IC 36-1-8-14 and amends IC 36-2-5-12. Whenever IC 36 requires an action be taken by a 3/4 vote, the number of votes necessary to satisfy the requirements is rounded to the nearest whole number.

An additional appropriation must be passed by at least a majority vote of all elected members of the county council, unless the county council adopts an ordinance that requires a number of votes greater than the majority. This ordinance is adopted and repealed by a majority vote of the county council.

PUBLIC LAW 127 - HOUSE ENROLLED ACT 1570 - EFFECTIVE July 1, 2001 - Pre-Hospital Ambulance Rescue or Report Record

Amends IC 16-31-2-11. Makes certain information contained in a pre-hospital ambulance rescue or report record public information and be made available for inspecting and copying.

PUBLIC LAW 129 - HOUSE ENROLLED ACT 1578 - VARIOUS EFFECTIVE DATES - State Tax Administration and Motor Vehicles

Amends and adds various Indiana Code sections. Makes changes to the assessed valuation and definitions of rehabilitated residential property and the duration of the deduction. Changes due dates of financial institutions tax. Provides that when a circuit court clerk enters a tax warrant in the judgment record, the total amount of the tax warrant becomes a judgement.

PUBLIC LAW 135 - HOUSE ENROLLED ACT 1710 - EFFECTIVE Upon Passage - Wayne County Adjusted Gross Income Tax

Adds new section IC 6-3.5-1.1-2.7 and amends various other sections. Allows Wayne county to use the additional tax for the costs of constructing, improving, acquiring, renovating, or equipping the county jail and related buildings and parking facilities.

PUBLIC LAW 137 - HOUSE ENROLLED ACT 1806 - EFFECTIVE July 1, 2001 - Home Detention

Adds new section IC 35-38-2.5-5.5. Prohibits a court from placing an offender who resides in a different county on home detention unless certain conditions are met. All home detention fees shall be collected by the probation department or community corrections program that supervises the offender.

PUBLIC LAW 139 - HOUSE ENROLLED ACT 1846 - EFFECTIVE July 1, 2001 - Tax Sale

Amends various sections of IC 6-1.1-24 and IC 6-1.1-25. Additional information must be added to the tax sale list and the list must be sent by certified mail to any mortgagee that requests a copy. The Notice of Tax Sale, the Certificate of Sale, the Notice the purchaser must give, the tax sale deed, and the tax sale record have all been changed to include additional information.

Any person may redeem property. The redemption amount is either 110% or 115% of the minimum bid plus other costs. There is no longer a provision for redemption at 125% of the minimum bid.

The county auditor may petition the court issuing judgements for sale for a schedule of reasonable attorney's fees and costs that would limit the amount in which a purchaser may be reimbursed upon redemption.

A new form, the tax sale surplus disclosure form, must be filed with the County Auditor if after June 30, 2001 property sold on tax sale is transferred to another person prior to a purchaser receiving a tax deed.

PUBLIC LAW 144 - HOUSE ENROLLED ACT 2009 - EFFECTIVE July 1, 2001 - Tippecanoe County Board of Elections

Adds new section IC 3-6-5.4. Creates a Board of Elections and Registration for Tippecanoe County.

PUBLIC LAW 151 - HOUSE ENROLLED ACT 1902 - VARIOUS EFFECTIVE DATES - Riverboat Admission Taxes

Amends IC 4-33-12-6. Allows a county in which a riverboat is docked to use admission taxes to reduce the property tax levy of the county for a particular year.

Reassessment In Lake County -

Adds IC 6-1.1-4-32. Requires the State Board of Tax Commissioners to contract with a nationally recognized CPA firm to appraise property for the next reassessment in Lake County.

Assessment of Industrial Facilities in Lake County

Adds IC 6-1.1-8.5. Prescribes new procedures for assessing industrial facilities in Lake County.

Tax Credits For Taxes Paid On Homesteads - Lake County

Adds IC 6-3.1-20. Creates a new income tax credit for certain taxes paid on homesteads in Lake County.

PUBLIC LAW 158 - SENATE ENROLLED ACT 255 - EFFECTIVE July 1, 2001 - Historic Bridge Maintenance Grant

Adds new chapter IC 8-14-12. Allows the county commissioners, before June 1 of each new year, to request a grant for each historic bridge located on the county's road system. The annual grant is \$1,250 for each bridge. Before September 1, the auditor of state shall distribute the grant the county is entitled to. This grant may be commingled with the money received for the maintenance of covered bridges and may be used only for the maintenance of historic bridges or covered bridges.

PUBLIC LAW 165 - SENATE ENROLLED ACT 357 - EFFECTIVE July 1, 2001 - Uniform Commercial Code

Amends various statutes in IC 26-1-9.1 regarding the filing of Uniform Commercial Code papers.

PUBLIC LAW 170 - SENATE ENROLLED ACT 444 - EFFECTIVE July 1, 2001 - Reimbursements by Jail Inmates

Adds new section IC 36-2-13-15.3. Requires a prisoner who is lawfully detained in a county jail in a county with population less than 6,000 to reimburse the county for the costs of the detention if certain criteria are present. Allows a county to use money in the county prison reimbursement fund for the costs of care, maintenance, and housing of prisoners, including the costs of housing prisoners in the facilities of another county. Makes the maximum per diem to be paid by an inmate \$50 per day. Fund must be appropriated by county council.

PUBLIC LAW 174 - SENATE ENROLLED ACT 457 - EFFECTIVE May 7, 2001 - Community Revitalization Enhancement Districts

Amends various sections of IC 36-7-13 and IC 36-7-31.3-9 - Adds IC 36-7-13-10.5. Allows a county legislative body to adopt an ordinance designating part of the county as a community revitalization enhancement district in areas of high unemployment, declining population, and declining median income.

PUBLIC LAW 177 - HOUSE ENROLLED ACT 1074 - EFFECTIVE July 1, 2001 - Cemetery Land

Adds new section IC 6-1.1-6.8. Provides for the assessing of cemetery land. Amends IC 14-21-1-13.5 to allow the Division of Historic Preservation and Archeology to record in each county recorder's office the location of each cemetery and burial ground located in that county.

PUBLIC LAW 183 - HOUSE ENROLLED ACT 1130 - EFFECTIVE JULY 1, 2001 - New Court Fees

Adds new section IC 33-19-6-18.1. Creates the document storage fee of \$2 to be collected by the clerk on all filings. This fee shall be deposited in the clerk's record perpetuation fund. Adds new section IC 33-19-6-19. Creates the automated record keeping fee of \$2 to be collected by the clerk on all filings. This fee shall be sent to the state semiannually for deposit in the state user fee fund.

PUBLIC LAW 185 - HOUSE ENROLLED ACT 1195 - VARIOUS EFFECTIVE DATES - Randolph County CREDIT Taxes

Amends IC 6-3.5-7-5 and adds IC 6-3.5-7-22.5. Allows Randolph County to raise its CREDIT tax rate an additional twenty-five hundredths percent (0.25%).

Dearborn County - Low Income Housing Tax Credits

Amends IC 6-1.1-10-16.7 and adds IC 36-2-6-22. Allows such credits for certain taxpayers in Dearborn County.

PUBLIC LAW 194 - HOUSE ENROLLED ACT 1395 - EFFECTIVE July 1, 2001 - Public Purchases

Adds IC 5-22-15-24, 2, IC 5-22-15-25, IC 5-22-17-14 and IC 5-22-19-5. States that if an offeror offers to furnish supplies made in a country other than the United States, a county may not award a contract to the offeror for those supplies if the supplies were made using forced labor. A county shall inform offerors in the solicitation of such provisions.

Further requires that unless the head of the purchasing agency makes a written determination under IC 5-22-15-25(d), a solicitation must require that if any steel products are used in:

- (1) the manufacturer of the supplies required under the contract; or
 - (2) supplies used in the performance of the services under the contract by the contractor or a subcontractor of the contractor;
- the steel products must be manufactured in the United States.

Exempts purchases of less than ten thousand dollars (\$10,000) made under a county's small purchasing policy from such requirement.

PUBLIC LAW 198 - HOUSE ENROLLED ACT 1499 - VARIOUS EFFECTIVE DATES - Various Taxation Issues

Abolishes the State Board of Tax Commissioners and creates the Department of Local Government Finance and the Indiana Board for Tax Review. Revises many assessment and taxation statutes.

Sales Disclosure Fund

Amends IC 6-1.1-5.5-4. 80% of the \$5 sales disclosure fee shall be deposited in the County Sales Disclosure Fund. 20% of the \$5 fee will be transferred to the state for deposit in the State Assessment Training Fund.

Adds IC 6-1.1-5.5-4.5. Creates Sales Disclosure Fund. May be expended by an appropriation of the county council for administration of this chapter, verification of information contained on sales disclosure form, training of assessing officials, or purchasing computer software or hardware for a property record system.

PUBLIC LAW 199 - HOUSE ENROLLED ACT 1510 - EFFECTIVE July 1, 2001 - Elections

Amends IC 3-5, IC 3-7, IC 3-8, IC 3-9, IC 3-10, IC 3-11, IC 3-12, IC 3-13 and IC 36-1-8-101. Adds IC 3-5-2-50.1, IC 3-7-45-8, IC 3-7-13-13 and IC 3-11-10-26.3. Makes several changes to voter registration, primary election, and absentee voting laws.

PUBLIC LAW 207 - HOUSE ENROLLED ACT 1636 - EFFECTIVE July 1, 2001 - Mortgage Releases

Adds new chapter IC 32-8-15.5. Allows a two year period ending June 30, 2003, for a title insurance company to release a mortgage given to secure a loan of not more than \$1,000,000 on behalf of the mortgagor and mortgagee.

PUBLIC LAW 210 - HOUSE ENROLLED ACT 1752 - EFFECTIVE July 1, 2001 - Boat Accidents

Amends IC 14-15-4-2. Increases the amount of damage to another boat to \$750 before this must be reported to a law enforcement agency.

PUBLIC LAW 213 - HOUSE ENROLLED ACT 1781 - EFFECTIVE July 1, 2001 - Alcohol and Drug Countermeasures Fee

Amends IC 33-19-6-10 to require the clerk of the court to collect the alcohol and drug countermeasures fee of \$200 in each action in which a person is charged with an offense under IC 9-30-5 and by plea agreement or agreement of the parties approved by the court judgement is entered under certain Indiana Codes and the defendant agrees to pay the fee.

PUBLIC LAW 229 - HOUSE ENROLLED ACT 1952 - EFFECTIVE July 1, 2001 - Housing Authority Members

Amends IC 36-7-18-5, IC 36-7-18-7, and IC 36-7-18-13. Adds two (2) new commissioners to county housing authorities - Requires that one (1) commissioner of a county housing authority must be a resident of a housing project. One (1) commissioner of a county housing authority must be directly assisted by the authority.

PUBLIC LAW 239 - SENATE ENROLLED ACT 268 - EFFECTIVE Upon Passage - Voting System Improvement

Adds new chapter IC 3-11-6.5. New voting systems or an upgrade or expansion of existing voting system. Establishes voting system improvement fund to reimburse counties for these costs. Establishes a voting system education fund to reimburse counties for development and implementation of programs for educating voters about voting procedures.

PUBLIC LAW 251 - SENATE ENROLLED ACT 176 - EFFECTIVE JULY 1, 2001 - Local Rainy Day Funds

Amends IC 36-1-8-5 and Adds new section IC 36-1-8-5.1. Allows counties to establish a rainy day fund to receive transfers if unused and unencumbered funds at year-end remaining in a fund consisting of amounts raised by a general or special tax levy on all taxable property of the county. Such transfers are limited to 10% of the county's total budget for the year. Such fund requires an appropriation in the same process as other tax supported funds. County council shall make a finding that the proposed use of the fund is consistent with the intent of the fund.

PUBLIC LAW 252 - SENATE ENROLLED ACT 190 - EFFECTIVE July 1, 2001 - Probate

Amends IC 6-4.1-4-0.5 to require the State Department of Revenue to prescribe an affidavit form to be used when no inheritance tax is due. This affidavit must be recorded in the office of the county recorder if the affidavit concerns real property.

PUBLIC LAW 260 - SENATE ENROLLED ACT 329 - EFFECTIVE July 1, 2001 - Elections

Amends various elections laws regarding candidate deadlines.

PUBLIC LAW 266 - SENATE ENROLLED ACT 404 - EFFECTIVE Upon Passage - Food Handling and Food Establishments

Adds new section IC 16-42-5-28. Establishes procedures for food handling and food establishments. Gives local health department the authority to enforce the rules and impose civil penalties. These penalties shall be deposited in the County Health Fund.

PUBLIC LAW 276 - SENATE ENROLLED ACT 486 - EFFECTIVE July 1, 2001 - County Surveyors and Drainage Funds

Amends IC 32-1-1-10 to allow the county commissioners to adopt an ordinance prescribing a monetary penalty for moving, changing, or otherwise alternating a monument that is part of the National Spatial Reference System. Any money collected will go to the County Surveyor's Corner Perpetuation Fund.

Amends IC 36-2-12-13 to allow the same ability as above only this time for moving, changing, or otherwise altering a monument marking a corner.

Amends IC 36-9-27-43 to allow the drainage board to continue to assess drainage maintenance even if the balance is greater than 4 times the estimated annual cost for periodic maintenance if the drainage board conducts a public hearing and the estimated unencumbered balance does not exceed 8 times the estimated cost. If the unencumbered balance exceeds 8 times the assessment shall be omitted.

PUBLIC LAW 280 - SENATE ENROLLED ACT 518 - EFFECTIVE July 1, 2001 - Court Fees and Protective Orders

Adds new section IC 5-2-9-6.3 regarding clerk accepting foreign protection orders.

Adds new section IC 33-19-4.5 stating in certain protective orders no costs must be paid in advance.

Adds new section IC 33-19-6-20. Allows a court to adopt and impose a late payment fee on defendants in criminal, infraction, or ordinance violation cases where the defendant has been required to pay court costs, including fees; a fine; or civil penalty and does not do it by the time specified by the court. The late payment fee is \$25. The clerk shall monthly distribute to the county auditor 100% of the late payment fees. The fees are to be deposited as follows: If the county council had adopted an ordinance, 40% will go to the Clerks Record Perpetuation Fund and 60% will go to the County General Fund. If no ordinance was adopted, then 100% goes to the County General Fund.

Adds new section IC 33-19-6-21 to allow the court to assess a sexual assault victims assistance fee for certain offenses. This fee shall be at least \$250 and not more than \$1,000. The clerk shall semiannually distribute to the auditor of state 100% of the sexual assault victims assistance fees to be deposited in the Sexual Assault Victims Assistance Fund.

**PUBLIC LAW 286 - HOUSE ENROLLED ACT 1925 - EFFECTIVE July 1, 2001 - State Health Care Plans-
Availability to Counties**

Amends IC 5-10-8-2.2, IC 5-10-8-2.6 and IC 5-10-8-7 - Adds IC 5-10-8-6.6. Allows counties to participate in State employee health benefit plans for active and retired employees. Such plans must be made available not later than January 1, 2002.

PUBLIC LAW 291 - ENROLLED ACT 1001 - VARIOUS EFFECTIVE DATES - State Budget

Amends numerous sections of the Indiana Code - Sets the State budget for the next biennium beginning July 1, 2001.

Examination of Records by Board of Accounts

Amends IC 5-11-4-3. Raises the amount charged to all taxing units for examination and investigation of accounts from thirty dollars (\$30) a day to forty-five dollars (\$45) a day.